UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner

v.

AX WIRELESS,
Patent Owner.

IPR2023-01138

U.S. Patent 10,554,459

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Intel Corporation ("Petitioner") objects to the admissibility of the following evidence submitted by Patent Owner, AX Wireless ("Patent Owner"). These objections are made within ten (10) business days of the February 14, 2024 Institution Decision (Paper 10).

Exhibits 2006 to 2011, 2013 to 2016, 2025 to 2030

Petitioner objects to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence that the documents are authentic or that the documents are self-authenticating under FRE 902. To the extent Patent Owner relies on the contents of these exhibits for the truth of the matter asserted, Petitioner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 2017 to 2018, 2020 to 2023

To the extent Patent Owner relies on the contents of these exhibits for the truth of the matter asserted, Petitioner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 2003 to 2005, 2012

Petitioner objects to theses exhibits to the extent that they are excerpts and not the complete document pursuant to FRE 106. Petitioner objects to these

exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence that the documents are authentic nor that the documents are self-authenticating under FRE 902. To the extent Patent Owner relies on the contents of these exhibits for the truth of the matter asserted, Petitioner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2001

Petitioner objects to Exhibit 2001 as improper expert testimony under FRE 702 and 703, and 37 C.F.R. § 42.65, to the extent that it does not rely on the kind of facts or data experts in the relevant field would reasonably rely upon without providing the underlying facts or data on which the opinion is based. Petitioner further objects to this exhibit as improper lay testimony under FRE 701, to the extent it offers testimony outside of Dr. Haas's area of expertise or fails to disclose the underlying facts or data on which the opinion is based.

Respectfully submitted,

/Lori A. Gordon/

Lori A. Gordon
Reg. No. 50,633
Attorney for Petitioner

PERKINS COIE LLP
700 Thirteenth Street, NW, Suite 800
Washington, DC 2005

Date: February 29, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64** was served electronically via e-mail on February 29, 2024, in its entirety on the following counsel of record for Patent Owner:

S. Giri Pathmanaban
giri.pathmanaban@lw.com
Jonathan M. Strang
jonathan.strang@lw.com
Diane E. Ghrist
diane.ghrist@lw.com
Jacob Vannette
jake.vannette@lw.com
David J. Hlavka
david.hlavka@lw.com

Respectfully submitted,

/Lori A. Gordon/

Lori A. Gordon
Reg. No. 50,633
Attorney for Petitioner

Date: February 29, 2024